

रजिस्टर्ड नं० एस० एम० 14.



राजपत्र हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 28 अगस्त, 1976/6 भाद्रपद, 1898

GOVERNMENT OF HIMACHAL PRADESH

AGRICULTURE DEPARTMENT

ORDER

Simla-171002, the 26th August, 1976

No. Agr. F. 9(9)/76.—Whereas the Governor of Himachal Pradesh is of the opinion that it is necessary or expedient so to do for maintaining or increasing supply of seed potato and for securing its equitable distribution and availability at fair prices;

Now, therefore, in exercise of the powers conferred on him by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with order of Government of India in the Ministry of Food, Agriculture Community Development and Co-operation (Department of Food) No. GSR III, dated 24-7-1967, the Governor of Himachal Pradesh is

pleased to make the following order, namely the Himachal Pradesh Seed Potato (Control) Order, 1976:—

1. *Short title, application and commencement.*—(1) This Order may be called the Himachal Pradesh Seed Potato (Control) Order, 1976.

(2) It applies to the whole of the State of Himachal Pradesh.

(3) It shall come into force with effect from the 15th September, 1976.

2. *Definitions.*—In this order unless the context otherwise requires,—

- (a) “approved grower” means a potato grower who secures foundation seed stage-II from the potato development stations and multiplies in his holding;
- (b) “breeder seed” means the seed produced and supplied by the Central Potato Research Institute;
- (c) “certified grower” means a potato grower who raises potato in his holding from the seed secured from approved growers;
- (d) “certified seed” means the produce of foundation seed raised by approved and certified growers as per list published by the Department of Agriculture, whose fields have been inspected and certified;
- (e) “dealer” means a person carrying on the business of purchasing, selling or exporting seed potato and includes an agent of a dealer;
- (f) “export” means to take seed potato out of the territory of Himachal Pradesh;
- (g) “form” means a form annexed to this order;
- (h) “foundation seed stage-I” means produce of breeder seeds raised at Potato Development Station, Shillaru;
- (i) “foundation seed stage-II” means the produce of potato from foundation seed stage-I raised at the Potato Development Stations other than Shillaru;
- (j) “Government” means the Government of Himachal Pradesh;
- (k) “licensing authority” includes the Director of Agriculture, Himachal Pradesh, the Deputy Directors of Agriculture and any other officer so authorised by the Government;
- (l) “seed potato” means the tuber of the plant “solanum tuberosum” harvested between the months of September and January and which is of normal shape characteristic to the variety;
- (m) “territory” means the district or the area to which order is made applicable;
- (n) “truthfully labelled seed” means produce of potato originally raised from foundation seed distributed to the approved growers by the Department of Agriculture.

3. *Dealers to obtain licences.*—No dealer shall—

- (a) carry on the business of purchasing or selling seed potato;
- (b) store seed potato for sale or export;
- (c) export, attempt to export or abet the export of seed potato;

except in accordance with the provisions of this Order and terms and conditions of the licence issued thereunder:

Provided that nothing contained in this paragraph shall apply to the export of seed potato not exceeding in aggregate twenty kg. at any one time by a *bona fide* traveller as a part of his luggage.

4. *Restriction on export of seed potato.*—No dealer shall export or attempt to export or abet the export of any seed potato which is not graded, packed and marked in accordance with the provisions hereinafter contained in this Order.

5. *Application for licence.*—(1) Every dealer desiring to obtain a licence under this Order, shall make an application in form 'A' in duplicate to the "Licensing Authority".

(2) A separate application shall be necessary in respect of each place of business. The names of places where licensees shall carry on business are given in Annexure-I.

(3) The Director of Agriculture, Himachal Pradesh may, by notification in the Official Gazette, add to or delete from the Annexure-I and thereupon the Annexure-I shall be deemed to be amended accordingly.

(4) Every application under this paragraph shall be accompanied by a treasury challan deposited under "Head 105—Agriculture—Miscellaneous Receipt", in token of the proof of having deposited Rs. 100.00 as licence fee.

6. *Grant and refusal of licences.*—(1) On receipt of an application under paragraph 5, the Licensing Authority, after making such enquiry as it considers necessary, shall, by order in writing, either grant the licence or refuse to grant it.

(2) Before granting any licence under this order, the Licensing Authority shall have regards to the following factors, namely:—

- (a) whether the applicant has been carrying on or has carried on business as a dealer and if so for what period;
- (b) financial position of the applicant;
- (c) in relation to an application for licence for export, facilities or experience which the applicant possesses for grading of seed potato; and
- (d) such other factors which appear to the Licensing Authority to be relevant under the circumstances.

(3) Where a licence is refused, the grounds of such refusal shall be communicated, as early as possible, to the applicant.

(4) Every licence granted under this Order shall be in Form 'B'.

7. *Period of validity of licence.*—Every licence issued under this Order shall, unless previously cancelled or suspended, expire on such date as the State Government may, by notification in the Official Gazette, fix in this behalf.

8. *Submission of returns by dealer.*—Each dealer shall, on every Monday, despatch the record of daily transactions of seed potato, to the Deputy Directors of Agriculture, in Annexures II and III which will be supplied with the licence.

9. Grading and packing of potato.—(1) The licensee shall grade seed potato as per specifications given in Annexure IV and pack in standard 80 kg. (net) gunny bags and mark the same as per directions contained in Annexure V.

(2) The seed potato not graded, packed and marked in accordance with the provisions of sub-para (1) shall be rejected and labelled as “table potato” and the dealer shall not sell it as seed within or outside the State of Himachal Pradesh.

(3) The licensee shall issue proper receipt to the producer in support of purchase of seed potato from him giving therein date, the quantity purchased and the payment made.

10. Power to cancel or suspend licence.—The Licensing Authority may, after giving the holder of a licence an opportunity of being heard, suspend or cancel the licence on any of the following grounds, namely:—

- (a) that the licence has been obtained by mis-representation or suppression of material particulars;
- (b) that any of the provisions of this Order, or terms and conditions of the licence or the directions issued under this Order have been contravened;
- (c) that the seed bags on checking are found of sub-standard.

11. Appeal.—Any person who is aggrieved by any order:—

- (a) refusing to grant a licence;
- (b) cancelling or suspending a licence;

may, within fifteen days from the date of such order, appeal to the Agricultural Production Commissioner, Himachal Pradesh in this behalf and his decision shall be final.

12. Service of orders and directions.—Any order or direction made or issued by the Licensing Authority may be served in the manner provided in sub-section (5) of section 3 of the Essential Commodities Act, 1955 (10 of 1955).

13. Power of entry, search, seizure, etc.—(1) The Licensing Authority or any officer duly authorised by him in writing in this behalf may with a view to securing compliance of this Order,—

- (a) stop, detain and search any person, motor vehicle, animal or receptacle used or capable of being used for the carriage of potato seed;
- (b) enter and search any building, structure or place;
- (c) seize any seed potato in respect of which he has reason to believe that any provision of this Order has been/is being, or is about to be contravened;
- (d) inspect or examine the licence, accounts or stocks of any licensee at any time.

(2) The provisions of the Code of Criminal Procedure, 1974 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this Order.

14. Exemption.—The Government may, for sufficient reasons, exempt any person or class of persons or any department of the Government from the operation of all or any of the provisions of this Order.

FORM 'A'

(See paragraph 5)

APPLICATION FOR LICENCE UNDER THE HIMACHAL PRADESH
SEED POTATO (CONTROL) ORDER, 1976

From

.....

.....

To

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Sir,

Kindly grant a licence authorising the under-mentioned individual/firm/joint stock company/co-operative society, to purchase, sell, export, or store for sale or for export of seed potatoes under the Himachal Pradesh Seed Potato (Control) Order, 1976. The said individual/firm/joint stock company/co-operative society is a *bona fide* dealer/grower of seed potato since and has handled bags (80 kg.) of seed potato during the last year or any one of the two previous years. The said individual/firm/joint stock company/co-operative society will carry on business at (Place) Tehsil District, and will abide by the terms and conditions of the Himachal Pradesh Seed Potato (Control) Order, 1976.

I/We also certify that I/Shri s/o Shri my/our employer or agent at the place mentioned above has duly received training in the seed certification and grading of seed potato provided by the Department of Agriculture, Himachal Pradesh Government, and has been awarded a certificate for having satisfactorily completed the training. An attested copy of the certificate is attached herewith.

I/We certify that I/we have, so far, not obtained any licence for potato seed business previously.

I/We certify that I/we have already obtained a licence for potato seed business previously at

I/We certify that the particulars given by me/us in this application are true to the best of my/our knowledge and belief.

Dated

Signature of applicant.

Note.—Delete which is not applicable.

FORM 'B'

[See paragraph 6 (4)]

(LICENCE FOR THE PURCHASE, SALE OR EXPORT OR STORAGE FOR
SALE OR EXPORT OF SEED POTATO)

Licence No.....

Dated.....

Subject to the provisions of the Himachal Pradesh Seed Potato (Control) Order, 1976 and to the terms and conditions of this licence, Shri..... is hereby granted licence to purchase, sell, export or store for sale or for export seed potatoes.

2. The licensee shall carry on the aforesaid business at.....
(place).....(tehsil of district).

3. The licensee shall give every facility to the 'Licensing Authority' or any other officer acting under his authority for the purpose of inspecting his stocks and checking its quality at any shop, depot or godown or other place/places, used by him for the purpose of storage, sale or export of seed potatoes.

4. The licensee shall abide by all the provisions of the Himachal Pradesh Potato Seed (Control) Order, 1976.

(Signature of Licensing Authority).

Note.—Delete what is not applicable.

ANNEXUR-I

[Paragraph 5(2)]

LIST OF PLACES WHERE LICENSEES SHALL CARRY ON BUSINESS

SIMLA DISTRICT :

1. Simla.
2. Theog.
3. Shillaru.
4. Shllikandli.
5. Khadrula.
6. Chaiman.
7. Kharapathar.
8. Labrot.
9. Sawra.
10. Rohru.
11. Ghorna.
12. Sainj.

ANNEXURE-II

(See paragraph 8)

Licence No.....

Name and designation of Licensee.....

DAILY RECORD OF TRANSACTIONS IN RESPECT OF SEED POTATOES

Particulars of purchases made									
Date	Name and address of the producer or supplier	Name of variety (i)	Total quantity in standard quintals (ii)	Rate per bag	Total value	Deductions, if any	Net amount payable to the producer	Amount actually paid at the time of transactions	Balance payable to the producer/supplier
1	2	3	4	5	6	7	8	9	

To

The Deputy Director of Agriculture (Potato and Marketing),
Himachal Pradesh Government, Simla.

Signature or thumb-impression of Licensee.

ANNEXURE-III

(See para 8)

Licence No.....

Name and address of Licensee.....

DAILY RECORD OF SALE OF SEED POTATO AFFECTED BY THE LICENSEE

Date	Name and addresses of buyers	Station to which booked	Quantity sold		Selling price per standard bag
			Grades	Total qty. in bags	
			(i)	(ii)	
1	2	3	4	5	6

To

The Dy. Director of Agriculture (Potato and Marketing),
Himachal Pradesh Government, Simla.

Signature of Licensee.

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ANNEXURE —IV

(See Paragraph 9)

GRADE SPECIFICATIONS OF SEED POTATOES TO BE EXPORTED

Particulars:	A—I (UPDT)	A—II (UPDT)	KCM-I	KCM-II	KJ-I	KJ-II	Remarks
Size	62 mm & above	37 mm-62 mm	62 mm & above	37 mm-62 mm	62 mm & above	37 mm-62 mm	Tubers above 100 mm are not allowed for use as seed
1	2	3	4	5	6	7	8
Varietal mixture	No. of Types allowed						
Over size/under size allowed.	2%	2%	2%	2%	2%	2%	To be assessed by count.
Superficial blemishes allowed.	1%	1%	1%	1%	1%	1%	(1) Superficial blemishes not likely to affect keeping quality, shall not exceed in aggregate 1/8th of the total area of the tuber.
Insect/pest/disease (damages) allowed.	2%	2%	2%	2%	2%	2%	(2) (i) No pimpled (Nematode and scab infested tubers) allowed. (ii) No blight infested tubers are allowed
Other damages (mechanical injury) allowed.	1%	1%	1%	1%	1%	1%	Allowed provided the injury does not impair the seed quality.
Other extraneous matter allowed (by weight).	1%	1%	1%	1%	1%	1%	

CHARACTERS OF TUBERS OF VARIOUS VARIETIES

- (i) *Up-to-date*.—Tubers of Up-to-date variety are generally oval, flattened to oblong in shape according to environmental conditions. Colour of the skin is whitish and that of flesh dull white, eyes largely concentrated in the crown region.
- (ii) *Kufri Chandermukhi*.—Tubers of Kufri Chandermukhi variety are oval, slightly longer than 'Up-to-date' flattened and attractive, Colour of the skin is white and that of the flesh is dull white. Eyes are fleet, concentrated on the crown region. The number of eyes is more than on 'Up-to-date' with long eye brows.
- (iii) *Kufri Jyoti*.—Tubers of Kufri-Joyti variety are oval, slightly roundish and flattened. Colour of the skin is White and that of the flesh is dull white. Eyes are a few, medium deep raised with short eye brows.

ANNEXURE—V

(See paragraph 9)

DIRECTIONS FOR MARKING OF GUNNY BAGS CONTAINING SEED POTATO

The following fast-coloured strings shall be used for stitching the bags to identify the various varieties and grades:—

Sr. No.	Variety	Grade	Colour of string
1.	Up-to-date	A-I (Special grade)	Yellow
2.	Up-to-date	A-II (Phool grade)	Blue
3.	Kufri Chandermukhi	KCM-I (Special grade)	Green
4.	Kufri Chandermukhi	KCM-II (Phool grade)	Black
5.	Kufri Jyoti	KJ-I (Special grade)	Red
6.	Kufri Jyoti	KJ-II (Phool grade)	Violet
7.	Table potato (including ration grade potato)		Natural colour string.

Note .—(i) The licensee shall use fast-coloured strings for stitching the bags used for packing seed potatoes in order to identify the various varieties and grades.

(ii) A label shall be placed inside the bag giving the name of the licensee, licence number and grade and net weight of the potato.

(iii) The licensee shall mark every bag of seed potato packed by him with an iron sheet stencil bearing code number, his name and licence number, grade and variety of seed potato and use for such marking fast-coloured ink which correspond to the colour of the string as specified for respective grades given above. He shall not use any other mark of identification than prescribed above. The code number will consist of licence number of the licensee as numerator and serial number of the producer maintained by him, as denominator. The code number will be contained in a

circle. For example $\left(\frac{4}{30}\right)$ Here 4 is the licence number as given on the licence and 30 is the Sr. No. of the producer maintained by the licensee himself.

ANANG PAL,
Secretary.

